

## FARMINGTON CITY COUNCIL MEETING

Tuesday, November 2, 2010

### CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** *Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz and Sid Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes and Recording Secretary Cynthia DeCoursey. Council Member Jim Talbot was excused.*

Mayor Harbertson began the work session at 6:40 p.m. and welcomed City staff, Council Members, **Craig Trottier** and **Tom Ellison** from CenterCal and **Rich Haws** and **Scott Harwood** from The Haws Companies.

#### (Agenda Item #4) – Report/action regarding the landscaping plan for Farmington Ranches Neighborhood Park

This issue was reviewed at a previous Council meeting, and in an effort to reach a compromise between the City and the HOA Committee, the landscape architect, **Eric Lyman**, prepared an alternative plan. There has been no response from the HOA, but a representative is expected in the regular session. The Council reviewed the new plan.

#### (Agenda Item #5) – (Public Hearing): Consideration of ordinance to rename Burke Lane between I-15 and 1525 West to Station Parkway and Red Barn Lane

The reason for renaming this section of Burke Lane is to create a more consistent naming and numbering pattern as Station Parkway continues to the north. Staff's recommendation is to change the name between Station Parkway and 1525 West and leave Burke Lane west of 1525 West unchanged. Also, a small portion of Burke Lane is left as a remnant between the merger and I-15, and **Rich Haws** of the Haws Companies is proposing to rename that small portion from Burke Lane to Red Barn Lane.

#### (Agenda Item #6) – (Public Hearing): Consideration of Ordinance to vacate a certain portion of the south side of the 1000 North public right of way between Compton Road (300 West) and approximately 200 West

The City plans to install improvements on this street which will include a new water line, curb and gutter and asphalt paving. A petition was received from all but one of the affected property owners requesting that the City vacate a south portion of the street right of way to the southerly edge of a future sidewalk from Compton Road to 200 West. Staff is recommending that a right of way be preserved for a 6-foot sidewalk. **Mr. Forbush** pointed out that an accurate description of areas to be vacated cannot occur until the curb and gutter is in place and the exact width of pavement on 1000 North is determined.

**(Agenda Item #7) – Consideration of Ordinance to vacate a right-of-way located at approximately 1100 West beginning at Burke Lane and extending south approximately 1200 feet within the Park Lane Commons Development – The Haws Companies**

A memorandum to the Council from Assistant City Planner **Glenn Symes** states that this right of way is shown on the parcel map and on the ALTA survey, but it is not shown on any other documents. This vacation will ensure that all records are clear for the Park Lane Commons area.

**(Agenda Item #8) – Consideration of request to vacate public utility easements on Eric Larson's property on Lot 48 of Farmington Ranches East Subdivision**

There was a brief discussion of matters related to this request.

**(Agenda Item #9) – Consideration of Cory and Heidi Ritz request:**

- Vacation of public utility and drainage easements on Lots 1 and 2 of Ritz Subdivision
- Approval of Boundary Line Adjustments to Lots 1 and 2
- Waiver of open space requirement

The Council reviewed correspondence from **Cory Ritz** related to this request and approved of the planting of trees along the east side of the **Ritz** property. **Mr. Ritz** said he is in the process of contacting the utility companies to obtain the necessary waivers. Staff suggested that the trees need to be approved by the City, and that the Boundary Adjustment would not be recorded until after the trees are planted.

**(Agenda Item #11) – Consideration of Resolution authorizing condemnation of real property (E&H Land, Ltd.) located in Farmington City for the realignment of Park Lane**

The **Mayor** explained that this Resolution will authorize the City to pursue the acquisition of the **Evans** property.

**(Agenda Item #12) – First Amendment to Development Agreement with Station Park – CenterCal Properties**

The Council reviewed the amendments which were made to this Agreement.

**(Agenda Item #13) – Agreement with Station Park CenterCal regarding Clark Lane resurfacing and related matters**

**Mr. Forbush** explained that these amendments were necessary to ensure that these issues conform to Farmington City policies.

**(Agenda Item #14) – Review of City Council discussion regarding Station Parkway improvements and related matters during the October 5, 2010 City Council meeting (Agenda Item #14)**

1. This item is finished.
2. This item is finished except for striping.
3. This is the developer's responsibility.
4. These costs will be split between the developer and the City.
5. This needs to go through the Planning Department and the Planning Commission.
6. The issue of the design of signage posts will be deferred to a later date.
7. This item is finished
8. This item is finished
9. Access under Park Lane is finished.
10. This needs to go through the Planning Commission.

The work session ended at 6:55 p.m.

**REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER**

***PRESENT:** Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, and Sid Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey. Council Member Jim Talbot was excused.*

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance, including three members of the Farmington Youth City Council—**Liz Ashby, Tee Jay Jewett,** and **Zach Schofield**. **Rick Dutson** offered the invocation, and the Pledge of Allegiance was led by **Margy Lomax**.

**APPROVAL OF MINUTES (Agenda Item #2)**

**Motion**

**Rick Dutson** made a motion to approve the minutes of the October 19, 2010 City Council Meeting with the two minor amendments which were made during the work session. The motion was seconded by **Sid Young**, and it was approved by Council Members **Dutson, Ritz,** and **Young**. **John Bilton** abstained because he did not attend the meeting.

**PLANNING COMMISSION REPORT (Agenda Item #3)**

**Glenn Symes** reported that the Planning Commission reviewed and approved the following two items at their October 27, 2010 meeting:

1. A request by **Brad Pack** for a 7-lot subdivision on Glovers Lane. Residents currently living in the area are pleased that the lots will be at least one acre in size, but they expressed concerns regarding the design, drainage issues, and maintaining their country lifestyle.
2. The second item was a request from Davis County for the new Administration/Library building and the Children's Justice Center. There were several comments from neighboring residents, and a representative from the Historic Commission said they feel that the design does not contribute to the historical nature of downtown Farmington.

**REPORT/ACTION REGARDING LANDSCAPING PLAN AT FARMINGTON RANCHES NEIGHBORHOOD PARK (Agenda Item #4)**

**Gemmie Benson**, 1844 W. Country Bend Circle, said the HOA Park Committee has approved the new plan. She asked if it would be possible to have benches in the Park, when the remaining trees would be planted, and if the City was planning to install a bridge on the east side of the Park.

**Neil Miller** responded that there is money allocated for four benches—each one costs about \$600 installed. Some of the trees will be planted in the next few weeks, and others will be planted next spring. He said he would find out about the bridge and provide information to the HOA.

**Motion**

**Rick Dutson** made a motion to approve the revised landscaping plan and to direct the City Parks & Recreation Director, **Neil Miller**, to plant the trees according to the plan. **Cory Ritz** seconded the motion which was approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Young**.

**(PUBLIC HEARING): CONSIDERATION OF ORDINANCE TO RENAME BURKE LANE BETWEEN I-15 AND 1525 WEST TO STATION PARKWAY AND RED BARN LANE (Agenda Item #5)**

**Public Hearing**

**Mayor Harbertson** opened the Public Hearing at 7:20 p.m.

**Lane Sweat**, 696 North 1825 West, pointed out that Burke Lane does not stop at 1875 West—the City changed it to 1825 West, and there is a gap between Burke Lane 1825 West and Burke Lane 1875 West. He said the City promised to finish the 100-yard gap and make it a dedicated road.

**Kyle Skoal**, 1764 West Burke Lane, said he and his neighbors do not want to change their street addresses. He also said that when the railroad crossing was redone, the contractor hauled in

sand which has made his driveway muddy, and he requested that would like to have their gravel back.

The Public Hearing was closed at 7:30 p.m.

### **Motion**

**Cory Ritz** made a motion to approve the Ordinance renaming the easterly section of Burke Lane "Red Barn Lane" and the westerly part from Station Parkway, west to 1525 West, "Station Parkway" and to retain the name of "Burke Lane from 1525 West to 1875 West. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, and Young**.

### **(PUBLIC HEARING): CONSIDERATION OF ORDINANCE TO VACATE A CERTAIN PORTION OF THE SOUTH SIDE OF THE 1000 NORTH STREET PUBLIC RIGHT OF WAY BETWEEN COMPTON ROAD (300 WEST) AND APPROXIMATELY 200 WEST (Agenda Item #6)**

**Mayor Harbertson** referred to a letter from **Jared May** in which he requested a vacation of 1000 North on the south side of the 1000 North right of way and committed to participate in the placement of curb and gutter the entire length of his property. He asked the City to reconstruct the paved portion of 1000 North at the City's width standard of 27 feet in order to maximize the square footage of his lots. **Mr. May** said he obtained signatures from each resident on the street regarding the sidewalk except for one owner who lives in Arizona.

### **Public Hearing**

**Mayor Harbertson** opened the Public Hearing at 7:40 p.m. There was no one from the public to speak concerning this item, and the Public Hearing was closed.

### **Motion**

**John Bilton** made a motion to conceptually approve the Ordinance vacating a certain portion of the south side of the 1000 North street public right of way between Compton Road (300 West) and approximately 200 West to be contingent upon abutting property owners entering into an agreement with the City to participate in the cost of the curb and gutter. The motion was seconded by **Cory Ritz**, and it was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

### **CONSIDERATION OF ORDINANCE TO VACATE A RIGHT-OF-WAY LOCATED AT APPROXIMATELY 1100 WEST BEGINNING AT BURKE LANE AND EXTENDING SOUTH APPROXIMATELY 1200 FEET WITHIN THE PARK LANE COMMONS DEVELOPMENT – THE HAWS COMPANIES (Agenda Item #7)**

**Mr. Forbush** said the City and the Haws Companies are requesting the vacation of this right of way to ensure that all records are clear for the Park Lane Commons area.

**Motion**

**Sid Young** made a motion to approve the Ordinance to vacate a right of way located at approximately 1100 West beginning at Burke Lane and extending south approximately 1200 feet within the Park Lane Commons Development. **Rick Dutson** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

**CONSIDERATION OF REQUEST TO VACATE PUBLIC UTILITY EASEMENTS ON ERIC LARSON'S PROPERTY – LOT 48 OF FARMINGTON RANCHES EAST SUBDIVISION (Agenda Item #8)**

The **Mayor** referred to a memorandum from City staff stating that **Eric Larson** has contacted each of the utility companies and has received approval for this vacation. The City has no utilities within the easements so the vacation will cause no problems for future City infrastructure needs.

**Motion**

**John Bilton** made a motion to approve the request to vacate the 10' public utility and drainage easements on the east (rear) and north (side) property lines of **Eric Larson's** property located at 174 Eastfork Circle in the Farmington Ranches Subdivision. The motion was seconded by **Cory Ritz**, and it was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

**CONSIDERATION OF CORY AND HEIDI RITZ REQUEST TO: (Agenda Item #9)**

- **Vacation public utility easements on Lots 1 and 2 of Ritz Subdivision**
- **Approval of Boundary Line Adjustments to Lots 1 and 2**
- **Waiver of open space requirement**

- **Cory Ritz recused himself for this agenda item.**

**Motion**

**Rick Dutson** made a motion to authorize the **Mayor** to sign the Notice of Approval of Boundary Adjustment subject to the planting of trees by **Cory** and **Heidi Ritz** along the entire east side of their property abutting the UTA right of way (approximately 321 feet in length) to provide shade for future trail users--the type and species of which must be approved by the City, or to submit a cash bond in lieu of planting the trees. The Council also authorized the **Mayor** to sign the Revocation and Abandonment of Easement subject to the **Ritz's** conveyance of a drainage easement traversing from the northeast in a southwesterly direction connecting to an



existing north to south drainage easement, which easement shall be in a manner and form acceptable to the City and with the understanding that the appropriate utility waivers will be obtained by **Cory** and **Heidi Ritz**. The motion was seconded by **John Bilton** and was approved by Council Members **Bilton, Dutson, and Young**.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #10)**

- 10-1 Ratification of Approvals of Construction & Storm Water Bond Agreements**
- 10-2 Approval of Lease Extension of old Shop Building with CenterCal**
- 10-3 Ratify City Manager's approval of Change Orders 13 and 14 of City Hall project**
- 10-4 Authorization to support UTA's application for Federal Funding to pave balance of D&RGW "rails to trails" project through Farmington City**
- 10-5 Approval of PEHP Dental Coverage Agreement**

**Motion**

**Rick Dutson** made a motion to approve items 2-5 of the Summary Action List. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Ritz, and Young**.

**CONSIDERATION OF RESOLUTION AUTHORIZING CONDEMNATION OF REAL PROPERTY (E&H LAND, LTD.) LOCATED IN FARMINGTON CITY FOR THE REALIGNMENT OF PARK LANE (Agenda Item #11)**

**Motion**

**Sid Young** made a motion to approve the Resolution authorizing the condemnation of real property (E&H Land, Ltd.) located in Farmington City for the realignment of Park Lane. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, and Young**.

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT WITH STATION PARK – CENTERCAL PROPERTIES (Agenda Item #12)**

**Motion**

**Cory Ritz** made a motion to approve the First Amendment to the Development Agreement with CenterCal for Station Park with changes as listed in the staff report. **Rick Dutson** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

**AGREEMENT WITH STATION PARK CENTERCAL REGARDING CLARK LANE RESURFACING AND RELATED MATTERS (Agenda Item #13)**

**Motion**

**John Bilton** made a motion to approve the Agreement between Farmington City and CenterCal regarding the resurfacing of Clark Lane and additional matters as listed in the Agreement. The motion was seconded by **Sid Young**, and it was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

**REVIEW OF CITY COUNCIL DISCUSSION REGARDING STATION PARKWAY IMPROVEMENTS AND RELATED MATTERS DURING THE OCTOBER 5, 2010 CITY COUNCIL MEETING (Agenda Item #14)**

**Motion**

**Sid Young** made a motion to approve the attached Exhibit with updated amendments as discussed in the work session. **Rick Dutson** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

**RESOLUTION PROVIDING FOR THE "PICK UP" OF REQUIRED MEMBER CONTRIBUTIONS FOR ALL ELIGIBLE EMPLOYEES REQUIRED TO CONTRIBUTE TO THE UTAH RETIREMENT SYSTEMS BY FARMINGTON CITY (Agenda Item #15)**

The **Mayor** said the State is requiring the City to pass a resolution stating what percentage the City will pay for qualified employees on their required contribution to the state retirement fund. He said this only pertains to the firefighters, and the City has one full-time firefighter who qualifies.

**Motion**

**Rick Dutson** made a motion to add **Rich Love**, Captain of the Farmington City Fire Department, to the Utah Retirement Systems Contributory Retirement Plan. The motion was seconded by **Cory Ritz**, and it was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

**POLICY CONSIDERATION: USE OF CITY FUNDS FOR SHORT TERM FINANCING OF CITIZEN'S SHARE OF BENEFITING PUBLIC IMPROVEMENTS (Agenda Item #16)**

**Mr. Forbush** explained that there are times when it is prudent for a city to offer incentives for private property owners to financially participate in the cost of public improvements such as curb and gutter and decorative street lighting costs. Farmington City has made many such improvements through Special Improvement Districts which are now called Special Assessment Areas. The Council discussed issues pertaining to this policy, and the following recommendations were made:



1. The recommended amount the City should require up front from the participating private property owners is 30% of the estimated cost of the improvement.
2. The length of a term the City should offer abutting property owners for repayment of the loan should be no longer than 3 years.
3. There should be no interest on the loan.
4. The City shall secure that the loan will be paid back in full by placing a lien on the participating property.

**CITY MANAGER REPORT (Agenda Item #17)**

- **Fire Chief Selection Process** – Mr. Forbush explained that the process for hiring a new Fire Chief would be similar to the one used to hire the new City Manager, and he requested that two Council Members assist in the selection of 8-10 applicants from all those who applied for the job. **John Bilton** and **Cory Ritz** agreed to assist.
- **Recommended appointment of new City Recorder** – The City Manager and the Mayor recommended the appointment of **Holly Gadd** as the new Farmington City Recorder effective December 2, 2010. **Holly** and **Paul Gadd** arrived at the meeting at 8:30 p.m., and **Mayor Harbertson** and the Council expressed their support for her new assignment.

**Motion**

**Rick Dutson** made a motion to confirm the Mayor's decision to appoint **Holly Gadd** as the new Farmington City Recorder effective December 2, 2010. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, and Young**.

- **LOMR Request for Steed Creek** – Mr. Forbush gave a brief explanation of this request.

**Motion**

**John Bilton** made a motion to authorize the City Manager to send the letter in the staff report to the Davis County Public Works Director, **Kirk Schmaltz**, requesting an Agreement to share in the costs of an LOMR (Letter of Map Revision) for the Steed Creek Flood Plain Area next to I-15 frontage road in Farmington. **Cory Ritz** seconded the motion, and it was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

**MAYOR AND CITY COUNCIL REPORTS - (Agenda Item #18)**

**Mayor Harbertson's Report**

- **Dave Millheim** has accepted the offer to be the new City Manager. He is excited about this new opportunity and plans to move to Farmington from Highland, Utah some time next year.
- Farmington City resident **Irene Snow** is very concerned about the high flood insurance rates in her subdivision, and she asked for assistance from the City.

### Motion

**Cory Ritz** made a motion to approve the City Manager's recommendation that when the City receives payment for the first two building permits, the City will pay \$4000 to Wilding Engineering who will then submit the LOMR to FEMA. Upon receipt of the sixth building permit, \$4000 will be repaid to the City. The motion was seconded by **John Bilton**, it was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

- The Town Hall meeting will be held on Wednesday, November 3 at 7:00 p.m.
- A meeting was held with a resident from Farmington Creek Estates regarding street lighting.
- The current staff of the Fire Department sent a letter recommending **Joe Walls** for the Fire Chief position.

### City Council Reports

#### John Bilton

- He asked for an explanation of the principle criteria in hiring a new Fire Chief. The **Mayor** explained that the new Chief would need to understand that Farmington has a part-time department. The Fire Chief and one captain are full time, but the other staff members are part time—the City's goal is to work toward hiring more full time employees.

#### Sid Young

- He scheduled a meeting with **Doug Allen** on Wednesday, November 3 to discuss issues regarding his property.
- He spoke with **Jim Hansen** regarding headstone issues.

#### Rick Dutson

- Miss Farmington's Halloween activity turned out well—she was pleased with her efforts. However, fewer people attended than last year.

- He complimented **Ken Klinker** on his Halloween jack-o-lantern display..

**Cory Ritz**

- A resident who lives near the **Pack** property is concerned about drainage issues in the area.

**MISCELLANEOUS (Agenda Item #19)**

- **Miscellaneous items**
- **Minute motion adjourning to closed session, if necessary, for reasons permitted by law**

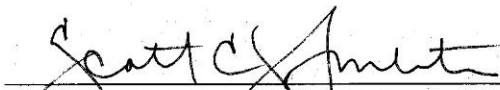
**CLOSED SESSION**

**Motion**

At 9:10 p.m. a motion was made by **John Bilton** for the Council to go into a closed meeting to discuss strategy related to the acquisition of real property and pending litigation. The motion was seconded by **Cory Ritz**, and it passed with Council Members **Bilton, Dutson, Ritz**, and **Young** voting in favor.

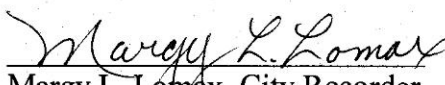
**Sworn Statement**

I, **Scott C. Harbertson**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

  
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**Scott C. Harbertson, Mayor**

A motion to go back into open session was made by **Rick Dutson** at 9:33 p.m. The motion was seconded by **Cory Ritz** and passed unanimously.

There being no further business, a motion to adjourn was made by **Rick Dutson** with a second by **Cory Ritz**. The meeting was adjourned at 9:33 p.m.

  
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**Margy L. Lomax, City Recorder**